

House Government Operations Committee Amendment No. 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1707*

House Bill No. 1810

by deleting SECTION 99 of Children and Family Affairs Committee Amendment No. 1 in its entirety and by substituting instead the following:

SECTION 99. Tennessee Code Annotated, Title 71, Chapter 1, Part 1 is amended by adding the following as a new section:

(a)(1) The department shall have rulemaking authority to establish any rules necessary for the administration of the child support program operated pursuant to Title IV-D of the Social Security Act and shall have rulemaking authority to establish any rules to carry out the requirements of any title or part of any title which the department administers and which are necessary to implement the provisions of the Title IV-D child support program and to effectuate any federal legislative or regulatory changes.

(2) Notwithstanding any law to the contrary, the department shall have authority upon passage of this act to promulgate any public necessity rules, following approval by the attorney general and reporter pursuant to § 4-5-209, to implement the provisions of this act or of any title or part of any title which the department administers and which may be necessary to implement the provisions of this act, which public necessity rules shall become effective upon the effective date of any provisions of this act if the implementation period of any provisions of this act occurs before July 1, 1998; provided, however, that the department shall promulgate permanent rules to implement the provisions of this act pursuant to a rulemaking hearing as required by title 4, chapter 5. Nothing in this subsection shall be construed to abrogate the ability of the department at anytime to utilize the provisions for implementing public necessity or emergency rules as

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otherwise permitted by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Notwithstanding any other state law to the contrary, the department shall have the authority to immediately implement any federal legislative or regulatory changes by public necessity rules following approval by the attorney general and reporter pursuant to § 4-5-209 if such federal legislative or regulatory changes occur before July 1, 1998; provided, however, that permanent rules shall be promulgated pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Nothing in this subsection shall be construed to abrogate the ability of the department at anytime to utilize the provisions for implementing public necessity or emergency rules as otherwise permitted by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) Notwithstanding any other law to the contrary, any forms mandated by the Secretary of the United States Department of Health and Human Services which are required to be utilized by the department of human services in any aspect of the Title IV-D child support program administered by the department shall be implemented immediately by public necessity rule of the department following approval by the attorney general and reporter pursuant to § 4-5-209, and shall, in all respects, immediately supersede any forms in use at the time the department implements the use of such federal forms by public necessity rule. Any requirements of the laws or regulations of this

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state which are inconsistent with the language or procedures established by such federal forms shall be subordinate to the requirements imposed by such federal forms.

(d) Prior to the filing of a notice of rulemaking for permanent rules pursuant to this section, the rules shall be sent by the department for review by an advisory group composed of two (2) representatives of the state court clerks' conference appointed by the president of the state court clerks' association, two (2) representatives of the judges of courts which have child support responsibilities one of whom will be appointed by the chief justice of the supreme court and one of whom will be appointed by the president of the council of juvenile and family court judges a representative of the administrative office of the courts, and two (2) representatives of the department of human services designated by the commissioner. Nothing contained herein shall be construed to prevent the department from filing any notice of rulemaking prior to or at the time the proposed permanent rules are sent to the advisory group where the department determines that immediate filing of the notice without prior review by the advisory group is necessary to meet any requirements relative to the potential expiration of public necessity or emergency rules or to comply with any federal statutory or regulatory requirements or any federal policy directives, nor shall the requirement of this subsection be construed to supersede any requirements of subsection (c).

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